

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

November 20, 2014

5:30 P.M.

MINUTES

Present: Mayor James Calnon, Councilors Rachelle Armstrong (W1), Dale Dowdle (W3), Paul O'Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent: Councilor Mike Kelly (W2)

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on November 6, 2014 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kasper; Seconded by Councilor Kretser

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending November 12, 2014 in the amount of \$ 269,825.37 and November 19, 2014 in the amount of \$ 270,282.28 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kasper; Seconded by Councilor Armstrong

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Statement from the City Clerk's Office of all monies received during the month of October 2014 in the total amount of \$22,003.37
- Report from the Parking Violations Bureau for October 2014
- Finance Report of Revenue and Expenditures for the month of October 2014
- Report of Public Hearing held by the Zoning Board of Appeals on November 17, 2014

RESOLVED: That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk's Office.

By Councilor Dowdle; Seconded by Councilor O'Connell

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the weeks ending November 14, 2014 in the amount of \$ 5,054,234.93 and November 21, 2014 in the amount of \$ 901,682.81 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kretser; Seconded by Councilor Kasper
Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Lanny LaValley read and submitted a request to change the name of the Bridge Street Bridge to Veterans' Bridge.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves the Michael McFarlin to hold the Steady Ed Safari Disk Golf Tournament in downtown Plattsburgh on July 18, 2015 from 9am-4pm.

By Councilor Kretser; Seconded by Councilor Armstrong
Discussion:

Councilor Kasper asked Recreation Superintendent Steve Peters

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

B. THE MAYOR HANDS DOWN THE APPOINTMENT OF COMMISSIONER OF THE PLATTSBURGH HOUSING AUTHORITY BOARD TO JAMES BARCOMB TO BEGIN ON NOVEMBER 21, 2014 TO APRIL 16, 2018.

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

C. THE MAYOR HANDS DOWN THE RE-APPOINTMENT OF JOHN GIRARD TO THE BOARD OF ASSESSMENT REVIEW FOR A FIVE YEAR TERM TO BEGIN ON OCTOBER 1, 2014 AND EXPIRING ON SEPTEMBER 30, 2019.

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. THE MAYOR HANDS DOWN THE APPOINTMENT OF PLANNING BOARD MEMBER TO MAURICA GILBERT FOR A SEVEN YEAR TERM TO BEGIN ON JANUARY 13, 2015 AND EXPIRING DECEMBER 31, 2021.

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. THE MAYOR HANDS DOWN THE APPOINTMENT OF ZONING BOARD MEMBER TO KATHLEEN INSLEY FOR A FIVE YEAR TERM TO BEGIN ON NOVEMBER 21, 2014 AND EXPIRING DECEMBER 31, 2019.

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves the Mayor to sign a subordination agreement for property located at 74 Montcalm Ave (Richard Barkley) the owner is reducing the interest rate and there is no cash out in this transaction.

By Councilor Armstrong; Seconded by Councilor O'Connell

Discussion: None

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted Follow up Action:

G. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise the 2014 General Fund budget with a transfer of \$12,500 from the NYS Retirement line to the Capital Project spending line to provide for unbudgeted architectural design costs needed to renovate the 2 Dock Street building.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(Councilors Armstrong, Dowdle, O'Connell, Kasper voted in the affirmative. Councilor Kretser voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

H. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise capital project H5110.42, 2013 Bridge & Waterfront Project, to increase the line item for the tour boat building repairs, 2 Dock Street, by \$12,500 to provide for architectural design costs needed to renovate the building.

By Councilor Armstrong; Seconded by Councilor O'Connell

Discussion: None

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(Councilors Armstrong, Dowdle, O'Connell, Kasper voted in the affirmative. Councilor Kretser voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

I. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor is authorized to sign Architectural & Engineering Agreement with AES Northeast PLLC, Contract # 2014-24 for the City Marina Building Rehabilitation – Dock Street for a cost not to exceed \$12,525.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(Councilors Armstrong, Dowdle, O'Connell, Kasper voted in the affirmative. Councilor Kretser voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

J. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise the 2014 Sewer Fund budget with a transfer of \$7,400 from the Sanitary Sewer temporary payroll line to the Sanitary Sewer contract services line to provide for unbudgeted tree root treatment costs needed for 2,602 feet of various sanitary sewer lines within the City.

By Councilor Kretser; Seconded by Councilor O'Connell

Discussion: None

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

K. RESOLVED: In accordance with the request therefore the Common Council approves the closing of Brinkerhoff Street from Marion Street to Margaret Street for the First Weekends and Strand Center for the Arts Tree Lighting events on Saturday, December 6, 2014 from 4:30p to 9:30p.

By Councilor Kretser; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

L. RESOLVED: In accordance with the request therefore the Common Council approves a supplemental agreements with AFSCME establishing new position salaries.

By Councilor Armstrong; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

M. RESOLVED: In accordance with the request therefore the Common Council approves the Municipal Lighting Department be permitted to proceed with the write-off of unpaid final bills for the period July 1, 2013 to July 31, 2013 in the amount of \$3,863.64. The percentage of write-offs for this period is .40%.

By Councilor Kretser; Seconded by Councilor O'Connell

Discussion: None

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

N. Introduced: Local Law P-3 of 2014: amending and restating in its entirety Chapter 270, Section 26 of the City Code of the City of Plattsburgh to correct the deficiencies identified by the court.

By Mayor Calnon

Public Hearing Date set by Mayor: Thursday, December 4, 2014 at 5pm in the Council Chambers

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Assessor Kathy Livingston to attend basic certification course "Application of the Three Approaches to Value" in Syracuse, NY from January 12 – 16, 2015 the total cost will not exceed \$1,548

By Councilor O'Connell; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

Councilor Kasper added the following for Initial consideration:

1. Request to rename the Bridge Street Bridge to Veterans' Bridge.

10. NEW BUSINESS:

Councilor O'Connell had a call from a constituent on what a great job the Department of Public Works did. Thanks to the Department of Public Works.

Councilor Dowdle asked where we are with hiring an event planner.

Mayor Calnon said he plans to bring resolution to the Council at the next meeting.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor O'Connell; Seconded by Councilor Kretser
Roll call Councilors Armstrong, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

MEETING ADJOURNED: 5:41 pm

My name is Lanny LaValley and I am at this meeting to petition the common council to pass a resolution naming the Bridge Street bridge, Veterans' Bridge.

I've often thought about the city naming a park, building, bridge or other place in honor of our veterans. The City of Plattsburgh hasn't named a place for the veterans and I believe the bridge would be an ideal location.

We are a city rich in military history for our citizens have participated in the War of 1812, Spanish American War, the Civil War, World Wars I and II, Korean War, Vietnam War, Iraqi Freedom, and the current war on Terrorism. A military presence has been in the city for decades with Naval, Army and Air Force installations.

Our community members have always responded to "the Call of Duty" to preserve our liberties and freedoms. Thousands of our citizens have volunteered or been drafted to protect our country. Therefore, in my mind, it's only a vote away to approve a much overdue act on behalf of our veterans.

With this council being citizen friendly, I believe it's the right time for this council to adopt this resolution.

Thank you for your time and support.

Local Law No. P-3 of the year 2014.

Introduced by Mayor Calnon on November 20, 2014

A local law amending and restating in its entirety Chapter 270, Section 26 of the City Code of the City of Plattsburgh.

moved by:

seconded by:

Be it enacted by the Common Council of the City of Plattsburgh as follows:

§ 270-26ⁱ. Signs.

A. Purpose, intent and scope.

It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards. The sign regulations in this section are not intended to censor speech or to regulate viewpoints, but to insure traffic and pedestrian safety, to preserve and enhance the visual environment of the City and, to accommodate the signage needs of businesses and other organizations. It is the purpose and intent of this section to:

1. Promote and improve pedestrian and traffic safety by:
 - a. Not permitting signs that obstruct vision or distract motorists and other street and sidewalk users.
 - b. Requiring signs be safely constructed, maintained and installed.
 - c. Limiting the number and regulating the placement of signs.
2. Protect and improve the visual appearance of the City and the value of other property by:
 - a. encouraging the integration of signage with architectural and landscape designs so the overall appearance is harmonious in color, form and proportion;
 - b. Prohibiting or restricting the number and size of signs on a lot and regulating the method and intensity of illumination.
 - c. Preventing the placement of signs that obscure the public view of other properties and landscapes.
3. Accommodate the needs of businesses and other organizations by:
 - d. Allowing for the use of new, digital sign technology.
 - e. Permitting a choice of types of signs.
 - f. Recognizing the main purpose of a sign is to provide information about the occupants of the signed premises.
 - g. Prohibiting billboard advertising which generally is not consistent with the main purpose of a sign.
 - h. Providing greater latitude for signs with noncommercial messages which generally concern organizations, events and activities of interest to the community as a whole.

B. Definitions. For the purposes of this section, the following terms shall have the meanings indicated

APPURTENANT - Signs and messages that pertain to the occupants or use of the premises the sign is affixed to.

AREA OF SIGN - Each side of a sign that has a message is a "face." The area of a sign is the sum of all sign faces.

AREA OF SIGN FACE:

- (1) For cut-out letters, the sign face area shall be computed by taking three-fourths (3/4) of the area enclosed within the smallest single geometric figure needed to completely encompass all letters, including vertical and horizontal spacing between letters.
- (2) For other signs the sign face area shall be the area bounded by the edge of the sign frame.

BANNERS and PENNANTS - Any advertising device affixed to poles, wires or ropes, such as banners, pennants, streamers, wind-operated propellers, string lighting or other similar advertising media, but not to include properly displayed flags of the city, state, county or country

BILLBOARD SIGN – A sign which displays a commercial message about persons, events or goods and services that are not actually sold or delivered on the premises where the sign is located.

BUSINESS – A natural person or legal entity who occupies property other than as a residence regardless of whether the person is engaged in commerce.

COMMERCIAL MESSAGE - Any message that directly or indirectly names, advertises or calls attention to a product, service, sale or sales event or other commercial activity.

CONSTRUCTION OR PROJECT SIGNS - Any sign or advertising device erected on a project site prior to or during a construction period.

CUT-OUT or CUT-OUT LETTERS - Letters, numbers, emblems and symbols which are detached or separately molded from the material from which they were made. Not to include vinyl letters, which will be treated as paint at building inspector's discretion

DIGITAL SIGNS – Digital signs are Programmed, Automated and Interactive signs as defined herein.

- Programmed signs are signs that display messages that can be changed by the sign's program on a predetermined schedule.
- Automated signs are signs whose content and display instructions can be generated dynamically by a computer that may be part of the sign or connected via a network. Automated signs may display messages, images or video.
- Interactive signs are signs that display content in response to actions by nearby people.

DIRECTIONAL SIGN - A sign not exceeding three (3) square feet per sign face and with lettering not exceeding six (6) inches in height, designed to direct and inform the public as to the location of exits, entrances, service areas, loading and unloading areas or similar wording of an informational nature.

ERECT - To build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall signs.

FREESTANDING SIGN - A sign that is not attached to a building or other structure and is self-supporting.

LOT - A parcel of land, including a contiguous parcel of land under the same ownership, or leased by the same tenant as the other contiguous parcel of land.

MESSAGE - Means letters, words, symbols, logos, images and other visual means of communicating information.

NAMEPLATE SIGN - Any sign not more than one (1) square foot in area used to identify the owner or owners of a private residence

NONCOMMERCIAL MESSAGE - Any message that is not a commercial message, including messages that do not pertain to the occupants or use of the signed premises.

PARAPET WALL - A low wall along the edge of a roof and being a portion of the wall which extends above the line of the roof, with the exterior of the extension forming a continuous plane with the wall below

PERSON- Includes any person, firm, partnership, association corporation, company or organization of any kind.

PROJECTING SIGN - Any sign attached to a building or other structure and extending, in whole or in part, more than six (6) inches beyond the building line.

ROOFLINE - The point where any part of the roof structure first touches or bears upon the external wall, with the exception of mansard roofs. See also "wall."

ROOF SIGN - Any sign erected in any way upon a building or structure which extends above the roofline of the building or structure.

RESIDENTIAL ZONE – R-1, RH and R-2 zoning districts.

SIGN- Any structure, object, device, fixture, or placard that displays a commercial or noncommercial message that is visible from off the premises where the sign is located.

STATIC SIGN- A sign with a message or image that does not change except when the business located on the lot and identified on the sign changes. A Static Sign may be a Digital Sign.

WALL - The surface area of any major plane unit of any side or face of a building. The lower slope of a mansard roof shall, for the purposes of this section, be deemed part of the "wall," and signs shall be permitted in this area.

WALL SIGN - A. sign attached to, painted on or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the face of said wall, including any interior sign, whether attached to windows or otherwise, which is placed in view of the general public from outside the building or structure A "wall sign" shall not project from the wall in excess of six (6) inches.

C. Sign Permit. It shall be unlawful to install, erect or display a sign without a sign permit unless the sign is an "exempt sign".

- (1) The Building Inspector is authorized to prescribe the form and content of sign permit applications, collect permit fees as set by the Common Council, approve or deny applications and issue sign permits.
- (2) An applicant who is denied a permit may appeal to the Zoning Board of Appeals for an interpretation or variance as provided in this Chapter.

D. General sign requirements. The following requirements shall apply to all signs, including exempt signs:

- (1) Maintenance. All signs and their supports, braces, guys and anchors, shall be of substantial and sturdy construction, shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance.
- (2) Wind pressure and dead load requirements. All signs shall be designed and constructed to withstand wind pressures and receive dead loads as required by recognized engineering and construction practices in the City of Plattsburgh.
- (3) Obstruction to doors, windows or fire escapes. No sign shall obstruct ingress or egress to or from a door, window or fire escape. No sign shall be attached to a standpipe or fire escape.
- (4) No sign shall be erected or maintained in manner that obstructs the view of motorists on public streets of traffic signs and signals, or of vehicles on intersecting streets, or of vehicles entering or existing driveways that intersect with a public street.
- (5) Signs that identify on premises businesses, or advertise goods or services sold on premises, shall be changed or removed within 60 days of when the business vacates the premises, or the advertised goods or services are no longer sold on premises.
- (6) Lighting. Indirect or interior lighting may be used to illuminate any sign, provided that the source of light shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. Bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view. String lighting shall not be allowed.

E. Noncommercial Messages. A permitted sign or exempt sign may display any noncommercial message or copy in lieu of other copy.

F. Prohibited Signs. The following types of signs shall not be permitted.

- a) Billboard signs.
- b) Projecting signs.
- c) Roof signs.
- d) Signs located in city rights of way that are not owned by the state, county or city.
- e) Signs located on utility poles, traffic control lights, trees, public structures or public property.

G. Exempt Signs. The following types of signs are exempt from the requirement for a sign permit, but are subject to the provisions of subsection B and the conditions of this subsection.

- (1) Except in Residential zones, banners or pennants that promote or announce an event held on the premises, but only during the duration of the event and up to 30 days prior thereto.
- (2) Memorial signs or tablets, names of buildings and date of erection when cut into any stone or masonry surface or when constructed of bronze or other incombustible materials and not exceeding six (6) square feet in total area.
- (3) One (1) residential nameplate sign.
- (4) Traffic control signs and signs with messages required by law.
- (5) Signs owned by the City of Plattsburgh which may display noncommercial and commercial messages not appurtenant to the signed premises.
- (6) One sign with information about a construction project, not exceeding ninety-six (96) square feet in area and sixteen (16) feet in height, erected

not sooner than 6 months before the commencement of construction and removed upon completion of construction.

- (7) Directional signs.
- (8) Seasonal or holiday decorations which may be displayed for up to six weeks.
- (9) Warning, danger, no-trespassing or similar signs, in size and number as the Building Inspector determines is reasonably required to accomplish their intended purpose.
- (10) For sale or rent signs. Not more than two signs advertising real property for sale or rent that are located on the premises for sale or rent, provided that in residential districts the sign face(s) do not exceed six (6) square feet in the aggregate and in all other zoning districts the sign face(s) do not exceed thirty two (32) square feet in the aggregate.
- (11) Signs located on premises that advertise the opening of a new retail establishment for a period of not more than fifteen days.
- (12) Official flags of a city, state or country, business or other organization not exceeding 100 sf. in area.
- (13) Free expression signs. For each lot, one free expression sign not exceeding four square feet in size (sign area) may be displayed. The free expression sign may be displayed as an attached sign or as a freestanding sign. If displayed as a freestanding sign, the freestanding sign shall not exceed three feet in height. A free expression sign is in addition to any other sign permitted under this article and is permitted in any zoning district. Only one such sign shall be permitted on each parcel.
- (14) Election signs. For each lot, one election sign for each candidate and each issue may be displayed along each street frontage. An election sign may be displayed as an attached sign or a freestanding sign. An election sign shall not exceed 32 square feet in area, except that election signs on cardboard shall not exceed six square feet in area. All such signs shall be removed within 10 days following the election to.

H. Additional Regulations for Types of Sign. In addition to restrictions contained in the definition of a type of sign, the following regulations apply:

1. Freestanding Signs.

- a. The area around the base of the sign shall be kept clear of rubbish and weeds. Permanent landscaping may be required as a condition of the sign permit.
- b. One freestanding sign is permitted for each lot.
- c. The sign shall be supported entirely by posts or columns; guy wires are not permitted.
- d. The sign shall be set back not less than five feet from the boundary of an adjacent public street.
- e. The sign may not exceed twenty (20) feet in height from ground level.
- f. The bottom of the sign shall not be less than seven feet above ground level
- g. Where the lot is occupied by one business, the sign area shall not exceed 100 sf.
- h. Where the lot is occupied by more than one business, each of which is a separate legal entity and occupies separate space within the building, the allowable sign area is 100 sf for the first business plus 25sf. for

each additional business up to four, but in no event shall the sign area exceed 200sf.

2. Wall signs.

a. A building may have more than one wall sign, but the total sign area of all wall signs shall not exceed the greater of seventy five (75) square feet, or a total sign area equal to two (2) square feet per linear foot of the side of a building that fronts on a street, but in no event more than one hundred fifty (150) square feet.

b. A wall sign may not cover any part of a window or door opening or project above the wall it is attached to.

3. Sign Area. Each side of a sign that has a message is a "face." The area of a sign is the sum of all sign faces.

I. Digital Signs. Digital Signs are subject to all of the foregoing regulations, except as modified by this subsection.

(1) Where Allowed. Digital Signs are not permitted in RH, R-1, RC-2 and RC-3 zoning districts. Digital Signs of the type, number and sign face area set forth in Table A are permitted in those zoning districts listed in Table A

(2) Number Allowed.

a. There may not be more than one programmed Digital Sign on a lot. There may not be more than one automated or interactive Digital Sign for each business on a lot.

(3) Light Levels. Digital Signs shall use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:

a. All Digital Signs shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.

b. Maximum brightness levels for Digital Signs shall not exceed 5000 nits or Candellas per Square Meter" or (cd/m²) when measured from the signs face at its maximum brightness, during daylight hours.

c. Maximum brightness levels for Digital Signs shall not exceed 500 nits or Candellas per Square Meter" or (cd/m²) when measured from the signs face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.

d. Written certification from the sign manufacturer must be provided at the time of application for a sign permit certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this section , and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.

(4) Dimensions. Digital Signs shall comply with the sign area restrictions of Table A.

(5) Message Changes. Messages must be displayed for a minimum of 30 seconds. Transitions may not exceed 3 seconds. A transition is a sign display that can use animation effects to change one message to another. Digital Signs that incorporate static and changing technologies may not use more than one changing technology.

(6) Animation on Programmed Signs. Messages may not contain the appearance of motion or animation. Transitions between messages may contain the appearance of motion or animation.

(7) Transitions on Programmed Signs. Transitions may appear between messages. They may not appear adjacent to other transitions.

J. Signs in Residential Districts. Signs are not permitted in residential districts except:

- (1) one nameplate sign.
- (2) one sign with a sign area of not more than two (2) square feet, identifying a “home occupation” as that term is defined in this chapter.
- (3) one sign with a sign area of not more than twenty four (24) square feet and which is appurtenant to a lawful non conforming use, or use authorized by use variance or special use permit.
- (4) in residential districts where multiple family, condominium, townhouse or other nonresidential uses are permitted as of right, one sign with a sign area of not more than twenty four (24) square feet and which is appurtenant to the permitted use.

K. Nonconforming signs. A nonconforming sign that was lawfully erected may continue to be maintained until it is substantially damaged, destroyed or found to be unsafe, at which time the sign may be required to be removed. A nonconforming sign shall not be enlarged, replaced or relocated on the lot.

L. Unsafe Signs. If the Building Inspector finds a sign’s physical condition poses a risk of injury to persons or property he shall notify the sign owner in writing by personal delivery or certified or registered mail. The notice will specify required alterations or repairs and a time by which the work must be completed.

M. Violations and Enforcement. In addition to the enforcement powers and fines or penalties provided elsewhere in this Chapter for violations of this law. If a Digital Sign does not comply with the regulations of this subsection, the Building Inspector may order that the sign be reprogrammed or changed to a Static Sign.

N. Severability. This section shall be liberally construed so as to effectuate the purposes thereof. The provisions of this section shall be severable and if any phrase, clause, sentence or provision of this section is declared to be contrary to the constitution or general laws of the state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this section and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby.

O. Effective Date. This section shall be effective immediately, upon filing with the Secretary of State.

City Code §270-26						
Table A						
	Static		Changing			
			Programmed		Automated or Interactive	
Zoning District	Number Per Lot	Max Area sf	Number Per Lot	Max Area sf	Number Per Business	Max Area sf
RH	Digital Signs Not Allowed					
R-1	Digital Signs Not Allowed					

R-2	1	24	1	24	1	2
B-1	1	100	1	50	1	2
B-2	1	100	1	50	1	2
C	1	100	1	50	1	2
I	1	100	1	50	1	2
RC-1	1	100	1	50	1	2
RC-2	Digital Signs Not Allowed					
RC-3	Digital Signs Not Allowed					
Historic Districts and Historic Sites	Digital Signs Not Allowed					

ⁱ The City of Plattsburgh Zoning Ordinance was amended and restated in its entirety by local law enacted on 9-1-1983 which became effective on 11-3-1983. The Zoning Law was codified as Chapter 270 of the City Code by local law enacted on 10-10-1989. Amendments to § 270-26 are noted below.

Amd LL 3 of 2011 §270-26 B, §270-26 G (4), §270-26 G (9), §270-26 J (5), §270-26 M, Add §270-26 Q; enacted 11-3-2011.

L.L () of 2014, amended and restated in its entirety Chapter 270, Section 26 of the City Code.